

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General

HENRY C. DARMSTADTER
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683, Ben Franklin Station
Washington, D.C. 20044-0683
Telephone: (202) 307-6481
Fax: (202) 307-0054
Email: henry.c.darmstadter@usdoj.gov

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada
Of Counsel

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL F. REEDER.

Plaintiff.

V

UNITED STATES OF AMERICA.

Defendant.

PAMELA M. O'KEEFE, as Trustee
for the JORDAN GRACE REEDER
IRREVOCABLE TRUST.

Plaintiff,

V

UNITED STATES OF AMERICA.

Defendant.

Civil No.: 3:15-cv-00129-MMD-WGC

**STIPULATION BY ALL PARTIES FOR
ENTRY OF JUDGMENT ON UNITED
STATES' COUNTERCLAIM AGAINST
MICHAEL F. REEDER AND
DISMISSAL OF REFUND AND QUIET
TITLE ACTIONS**

1 UNITED STATES OF AMERICA,

2 Counterclaimant,

3 v.

4 MICHAEL F. REEDER

5 Counterclaim Defendant

6 and

7 PAMELA M. O'KEEFE, as Trustee
8 for the JORDAN GRACE REEDER
IRREVOCABLE TRUST and the
DARBY LEIGH REEDER
IRREVOCABLE TRUST; BANK
9 OF AMERICA, N.A.; and
10 HERITAGE BANK OF NEVADA,

11 Additional Defendants on
Counterclaim.

12 Plaintiff and Counterclaim Defendant Michael F. Reeder, Plaintiff and Counterclaim

13 Defendant Pamela O'Keefe, as Trustee of the Jordan Grace Reeder Irrevocable Trust ("JGR

14 Trust") and the Darby Leigh Reeder Irrevocable Trust ("DLR Trust"), Counterclaim Defendant

15 Bank of America, N. A., Counterclaim Defendant Heritage Bank of Nevada, and Defendant and

16 Counterclaim Plaintiff United States of America ("United States"), by and through their

17 undersigned counsel, hereby enter into the following stipulation to resolve the above-captioned

18 consolidated action:

19 1. Michael F. Reeder stipulates and agrees that judgment shall be entered against

20 him and in favor of the United States on the Government's Counterclaim in the amount of

21 \$1,100,000, plus statutory interest accruing from July 19, 2019 pursuant to 28 U.S.C.

22 § 1961(c)(1) and 26 U.S.C. § 6621(a)(2) and 6622. The judgment will be for the following tax

1 assessments against him of federal excise tax liabilities, including interest and penalties: (a)
2 federal excise tax imposed under I.R.C. Section 4401 (26 U.S.C.) for each month from
3 September 1993 through March 1997, inclusive and (b) federal excise tax imposed under I.R.C.
4 Section 4411 of the Internal Revenue Code for periods ending on or about July 1, 1994, July 1,
5 1995, and July 1, 1996 (“subject excise taxes”).

6 2. Pamela O’Keefe, as Trustee for the JGR Trust, stipulates and agrees that the
7 United States’ judgment on the Counterclaim against Michael Reeder and the federal tax liens
8 for the subject excise taxes attach to the Glenbrook and Morgan Mill Properties identified in the
9 Counterclaim, and that the United States may file abstracts of judgment with respect to these
10 properties.

11 3. Pamela O’Keefe, as Trustee for the DLR Trust, stipulates and agrees that the
12 United States’ judgment on the Counterclaim against Michael Reeder and the federal tax liens
13 for the subject excise taxes attach to the Hawaii condominium located at 520 Lunalio Home
14 Road #7311, Honolulu, Hawaii 96825, and that the United States may file abstracts of judgment
15 with respect to this property.

16 4. The United States’ Counterclaim against Counterclaim Defendant Bank of
17 America, N.A. with respect to the Glenbrook Property shall be dismissed.

18 5. The United States’ Counterclaim against Counterclaim Defendant Heritage Bank
19 of Nevada with respect to the Morgan Mill Property shall be dismissed.

20 6. Michael Reeder’s Complaint for Refund and Abatement of Federal Excise Taxes
21 against the United States shall be dismissed with prejudice.

22 7. The Quiet Title Action by Pamela O’Keefe, as Trustee for the JGR Trust, against
23 the United States shall be dismissed with prejudice.

8. Each party to this consolidated action shall bear his, her or its respective costs, including attorneys' fees or other expenses of the litigation.

DATED: August 6, 2019

/s/Henry C. Darmstadter
HENRY C. DARMSTADTER
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683 Ben Franklin Station
Washington, D.C. 20044-0683
(202) 307-6481

Of Counsel
NICHOLAS A. TRUTANICH
United States Attorney
Attorneys for the United States

PANITZ & KOSSOFF, LLP

DATED: August 6, 2019

/s/Philip G. Panitz
PHILIP G. PANITZ, ESQ.
PANITZ & KOSSOFF, LLP
5743 Corsa Avenue, Suite 208
Westlake Village, California 91362
(805) 379-1667
Attorneys for Plaintiff

MALCOLM & CISNEROS

DATED: August 6, 2019

/s/Nathan F. Smith
NATHAN F. SMITH, ESQ.
State Bar Number 43160
MALCOLM & CISNEROS
2112 Business Center Drive
Irvine, California 92612
(949) 252-9400
Attorneys for Bank of America

1 SIMONS HALL JOHNSTON PC

2 DATED: August 6, 2019

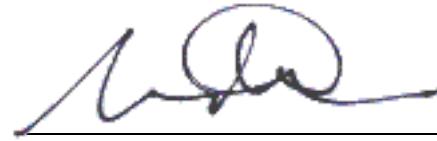
/s/Mark G. Simons

3 MARK G. SIMONS, ESQ.
4 SIMONS HALL JOHNSTON PC
5 6490 S. McCarran Blvd.
6 Suite F-46
7 Reno, NV 89509-6165
8 (775) 785-0088
9 Attorneys for Heritage Bank of Nevada

10 The foregoing stipulation is granted.

11 DATED: August 8, 2019

12 IT IS SO ORDERED:



13
14 UNITED STATES DISTRICT COURT
15 JUDGE
16
17
18
19
20
21
22
23
24
25